

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VISTO CORPORATION,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

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CIVIL ACTION NO. 2:05-cv-546 (DJF)

**DECLARATION OF SEAN MILLS IN SUPPORT OF  
DEFENDANT MICROSOFT'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF INVALIDITY OF VISTO'S PATENTS**

I, Sean Mills, declare:

1. I am a paralegal at the law firm of Weil, Gotshal & Manges LLP, counsel to Microsoft Corporation ("Microsoft") in this action. The contents of this declaration are within my personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Reexamination Certificate for U.S. Patent No. 6,085,192.

3. Attached hereto as Exhibit 2 is a true and correct copy of United States Patent No. 6,708,221.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Second Amended Response to Interrogatory No. 2.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Cyrus Release Letter dated March 15, 1995.

6. Attached hereto as Exhibit 5 is a true and correct copy of “IMAP: The Internet Message Access Protocol, Brief Overview and History,” First Annual IMAP Meeting, 1996 at <http://www.washington.edu/imap/meeting.1st/overview.html>.

7. Attached hereto as Exhibit 6 is a true and correct copy of M. Crispin, “Distributed Electronic Mail Models in IMAP 4,” Request For Comments No. 1733.

8. Attached hereto as Exhibit 7 is a true and correct copy of Rob Austein, “Synchronization Operations for Disconnected IMAP4 Clients,” ietf-imap-disc-01.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of Mark Crispin, “Internet Message Access Protocol – Version 4,” Request For Comments 1730.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the deposition of Hong Bui dated March 28, 2007.

11. Attached hereto as Exhibit 10 are excerpts of the deposition of Sean M. Quinlan dated May 2, 2007

12. Attached hereto as Exhibit 11 is a true and correct copy of United States Patent No. 6,085,192.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from Dianna Mullet & Kevin Mullet, “Managing IMAP,” 2000 O’Reilly & Associates Publishing.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from IETF Structure and Internet Standards Process at <http://edu.ietf.org/node/view/68>.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the Visto v. Microsoft Patent Rule 4-5(d) Claim Chart.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition of Daniel Mendez dated March 27, 2007.

17. Attached hereto as Exhibit 16 is a true and correct copy of Claim Chart for Claim 8 of U.S. Patent No. 6,708,221 vs. Exhibits 6, 7 and 8.

18. Attached hereto as Exhibit 17 is a true and correct copy of an email from Mark Crispin to IMAP Interest List regarding Major New Alpha Release of imap-4 Toolkit on October 12, 1995 found at [ftp://ftp.cac.washington.edu/mail/imap\\_archive](ftp://ftp.cac.washington.edu/mail/imap_archive).

19. Attached hereto as Exhibit 18 is a true and correct copy of Rebuttal Expert Report of Andrew J. Dillon regarding inequitable conduct, written description, enablement and broadening of claims in a reexamination, dated June 21, 2007.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 2nd day of July, 2007.

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Sean Mills